

2020

Protected Disclosures Policy

Disclosures to Prescribed Persons

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Comhairle Cathrach Chorcaí
Cork City Council



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Revision History

CURRENT DOCUMENT VERSION

Version No:	Date:	Reasons for Issue:
1.1	01/10/2020	Updated contact details and New Format for Policy and Procedures

REVISION APPROVAL

	Signature:	Print Name:	Date:
Process Owner	Alma Murnane		01/10/2020
SEO/SE/ Cognate	Alma Murnane		01/10/2020
Director of Services	Paul Moynihan		21/10/2020

PREVIOUS VERSIONS

Version No.	Date	Reason for Issue

1. Introduction/Background

Cork City Council is committed to ensuring that the culture and work environment are such that any employee/worker is encouraged and supported to report on any issue that may impact adversely on the Cork City Council's ability to deliver a high quality service and to facilitate the disclosure of wrongdoing and the protection of an employee/worker(s) who make such disclosures.

Consistent with the Cork City Council's existing policies, it is expected that any appropriate issue raised by an employee/worker with their line manager will be dealt with professionally and appropriately. This is essential to ensuring that all significant risks arising for the Cork City Council are identified and effectively managed. In addition, an employee/worker appropriately raising any issue of concern will not be penalised for doing so.

The Cork City Council will assist and support employees who disclose possible wrongdoing and intends to treat concerns raised with utmost discretion consistent with the legal requirement to safeguard the identity of employees/workers who make such disclosure(s).

Reporting any concerns internally under the Protected Disclosures Act, 2014, will promote a workplace culture of 'raising concerns' and allows the Cork City Council to deal with the disclosure effectively.

It is to be expected that concerns in relation to day to day operational matters will, in the normal course of events, be brought to the attention of the relevant line manager and dealt with accordingly, or through agreed structures already established by the Cork City Council (e.g. Health & Safety matters should be addressed through the procedures established in the Cork City Council's Health & Safety Management System). Similar considerations apply to grievances or allegations relating to matters such as harassment/bullying which are not covered by this policy, and which will remain to be dealt with under the Cork City Council's Grievance Policy and Procedure and Dignity at Work Policy.

2. Relevant Legislation

This policy focuses on issues of relevant wrongdoings (as defined in the Protected Disclosures Act, 2014 www.pergov.ie/legislation and the resolution of which are in the public interest. There is an important distinction to be made between raising a concern regarding relevant wrongdoings as defined in the Protected Disclosures Act, 2014 covered by this policy and other issues that may be raised relating to the normal business of the Cork City Council which do not fall under this policy.

3. Purpose & Scope

Cork City Council has appointed Alma Murnane, Senior Executive Officer, Corporate Affairs and International Relations Directorate (021) 4924351 alma_murnane@corkcity.ie to receive Protected Disclosures in accordance with the Protected Disclosures Act, 2014.

Cork City Council shall monitor the implementation of and compliance with the policy and will review it on a regular basis.

This policy will be reviewed from three years after the date of publication. Employees and staff representatives shall be notified of any changes, with prior consultation.

The Cork City Council is obliged, by the 30th June annually, to prepare and publish a report detailing the number of protected disclosures made to the Cork City Council in the immediately preceding year and any action taken in response to those protected disclosures. All disclosures of wrongdoing, irrespective of whether they are being dealt with formally or informally, shall be recorded and notified to a Designated Director who will report to the County/City Chief Executive, as required. The identity of the discloser will remain confidential.

The report shall also include anonymous information in relation to the protected disclosures and the action taken by the Cork City Council. This report shall be published in a form that does not enable the identification of the persons involved in any aspect of the disclosure, be they the discloser, or the recipient or any other person involved.

Employees/Workers making protected disclosures will be advised that he/she will be provided with periodic feedback by the Designated Officer, in confidence, in relation to the matters disclosed and be advised when consideration of the disclosure is complete, except in exceptional cases; this may take the form of reassurance and affirmation that the matter is receiving attention. Note that this does not require the Cork City Council to give a complete account of what the situation is at a particular point in time in terms of progress (see section 18 DoPER Guidance under section 21(1) of the Protected Disclosures Act 2014 for the purpose of assisting public bodies in the performance of their duties under the Act).

4. Procedure/Policy Details

The Designated Officer to receive disclosures and any other individual to whom the disclosure is referred in the performance of that employee's/person's duties, must take all reasonable steps to avoid disclosing to another person any information that might identify the person by whom the disclosure was made.

If a disclosure is made to a line manager in the course of their duties, the line manager is required to request the discloser to make the disclosure directly to the Designated Officer to receive disclosures.

The Designated Officer to receive a disclosure should undertake an initial screening/assessment process (see section 15.1 DoPER Guidance under section 21(1) of the Protected Disclosures Act 2014 for the purpose of assisting public bodies in the performance of their duties under the Act) following which he/she will advise the discloser as to whether the matter requires an investigation in accordance with the Protected Disclosures Act, 2014. The screening process should involve an assessment of the disclosure to seek to determine whether or not it should be treated as a protected disclosure, having regard to the 2014 Act. If it is unclear whether the disclosure qualifies as a protected disclosure, the Designated Officer should treat the disclosure as a protected disclosure (and protect the identity of the discloser in accordance with the procedures). The disclosure should be assessed to determine the nature of the information disclosed and the procedure or procedures that is/are most appropriate to be used to investigate the matter. If, having assessed the disclosure, there is a mix of different issues (some involving a protected disclosure, some involving a personal employment complaint) then an appropriate process/processes should be applied to deal with the issues. The process to be applied may differ from case to case.

The screening/assessment process should consider whether the alleged wrongdoing is something that can or should be investigated or not (see section 21; Procedure for Investigation of a Disclosure). If an investigation is required, the appropriate **Director of Services** should consider the nature and extent of the investigation.

In the event that the Designated Officer is of the view that any further investigation is not required, the Designated Officer should advise the discloser of his/her assessment and the basis for the assessment, insofar as is possible.

As it is not possible to know at the time, whether a disclosure will subsequently be deemed protected under the Protected Disclosures Act, the Designated Officer should keep a written record of his/her actions, including timelines, under this section.

Employees/Workers should be advised by the Designated Officer that the following conditions must apply to an employee/worker's disclosure:

- It must have come to their attention in connection with their employment and
- they must have a reasonable belief that the information disclosed tends to show a wrongdoing.

Note that a disclosure of any wrongdoing which is the employee/worker's or the employee/worker employers' function to detect, investigate or prosecute does not come within the terms, or attract the protections and redress of the 2014 Act (unless it involves an act or omission on the part of the employer).

Employees/Workers should be advised that they will not be penalised or caused to suffer detriment for making a report of possible wrongdoing which subsequently turns out to be incorrect provided the employee/worker had a 'reasonable belief' that the information being reported showed or tended to show one or more of the relevant wrongdoings.

5. Roles & Responsibilities

Employee/Worker

An Employee/Worker makes a disclosure outlining wrongdoing.

Designated Officer to Receive Disclosures

The Cork City Council has appointed the following person to receive Protected Disclosures in accordance with the Protected Disclosures Act, 2014. The contact details for the Designated Officer (designated to receive disclosures in the Cork City Council) is as follows; Alma Murnane, Senior Executive Officer, Corporate Affairs and International Relations Directorate (021) 4924351 alma.murnane@corkcity.ie

Disclosure is received by Designated Officer, initial screening and assessment takes place, consideration and assessment of wrongdoing, investigation.

The Disclosure will be provided with feedback from the Designated Officer concerning general information in relation to the matters disclosed and be advised when consideration of the disclosure is complete.

Director of Services

Matter should be referred to appropriate Director of Services for examination, investigation and outcome. Investigations carried out will be impartial and conducted in a manner fully consistent with due process.

Member of Senior Management Team

Any review will be conducted by a delegated member of the Senior Management Team. The outcome of review will then be communicated to the employee/worker.

6. Monitoring/ Review/ Reconciliation

A system of review is available in respect of the following:

- i. Any decision made to disclose the identity of the discloser (except in exceptional cases);
- ii. The outcome of any assessment/investigation undertaken in respect of the protected disclosure; and
- iii. The outcome of any assessment/investigation in respect of any complaint of penalisation.

Any review will be conducted by a delegated member of the Senior Management Team. Where a decision is taken to disclose the identity of the discloser, where possible, the discloser will be offered a review before their identity is disclosed. Note that there is no entitlement to two reviews of the same issue.

A specific process will be drawn up for handling the review which requires that parties not involved in the original process re-evaluate the findings and consider any additional evidence provided.

The outcome of the review will then be communicated to the employee/worker.

7. Communications Plan

The Cork City Council is obliged, by the 30th June annually, to prepare and publish a report detailing the number of protected disclosures made to the Cork City Council in the immediately preceding year and any action taken in response to those protected disclosures. All disclosures of wrongdoing, irrespective of whether they are being dealt with formally or informally, shall be recorded and notified to a Designated Director who will report to the County/City Chief Executive, as required. The identity of the discloser will remain confidential.

Records created, maintained and stored by the Cork City Council as part of the Protected Disclosure Policy and Procedures shall comply with the requirements of confidentiality under the 2014 Act and with the National Records Retention Policy (2001) and any other relevant records retention policies.

8. Appendix I – Change Log

For each revision of the document insert a page listing the changes made between the two versions.

Over time this appendix will contain a complete history of all changes made to the document.

9. Appendix II – Forms & Report Templates

Copies of standard forms or monthly report templates etc should be inserted as appendices into the document.